

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Cooper on 11/23/10.

The application has been amended as follows:

In claim 1 line 2 replace "determining at a mobile station a link quality of point-to-multipoint" with "determining by a mobile station of a link quality of a point-to-multipoint".

In claims 2-9 line 1 replace "A method" with "The method".

In claim 10 line 4 replace "on a point-to-multipoint channel via which said apparatus receives" with "on a point-to-multipoint channel via which said receiver receives"

Cancel claim 12.

In claim 13, lines 1-3 replace "A non-transitory processor readable medium stored with code, which when executed by a processor of a mobile station, causes said mobile station to perform the method of claim 1. " with "A non-transitory processor readable medium stored with code, which when executed by a processor of a mobile station, causes said processor to perform:

determining at a link quality of a point-to-multipoint channel based on link quality related measurements on said point-to-multipoint channel, while receiving multicast data transmitted from a mobile communication network on a point-to-multipoint channel via a transceiver; and

sending a request to said mobile communication network to switch and thereafter continue transmitting said multicast data via a point-to-point channel so that transmission of said multicast data is continuous through the switch, in case said determined link quality lies below a given link quality"

In claim 16 line 6 replace "estimating at said mobile communication network a link quality of a" with "estimating by said mobile communication network a link quality of a"

In claim 17 lines 2-3 replace “estimating at a mobile communication network a link quality of a point-to-multipoint” with “estimating by a mobile communication network a link quality of a point-to-multipoint”

In claim 18 line 1 replace “A method” with “The method”.

In claim 20 lines 1-4 replace “ A mobile communication system comprising a mobile station and the apparatus according 19.” with “A mobile communication system comprising: a mobile station and an apparatus comprising: a transmitter configured to transmit multicast data using at least one of a point-to-point channel and a point-to-multipoint channel; and

a processor configured to estimate a link quality of a point-to-multipoint channel while said transmitter transmits multicast data to a mobile station on a point-to-point channel, and configured to order said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data by a switch order, in case said estimated link quality lies above a required link quality; wherein said switch order releases said point-to-point connection and provides parameters for said point-to-multipoint channel to said mobile station, wherein said mobile station comprises a receiver configured to receive multicast data from said apparatus.”

In claim 21 lines 1-2 replace “The mobile communication system according to claim 20 wherein said mobile station further includes:” with “The mobile communication system according to claim 20 wherein said mobile station further comprises:”

In claim 21 line 8 replace "wherein said apparatus further includes:" with “wherein said apparatus further comprises:”

In claim 22 lines 1-3 replace “A non-transitory processor readable medium stored with code, which when executed by a processor of a mobile communication network, causes said mobile communication network to perform the method of claim 17. ” with

“A non-transitory processor readable medium stored with code, which when executed by a processor of a mobile communication network, causes said processor to perform:

estimating a link quality of a point-to-multipoint channel while transmitting multicast data on a point-to-point channel to a mobile station via a transceiver; and

in case said estimated link quality of said point-to-multipoint channel reaches a required link quality, ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data, wherein said mobile communication network orders said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data by a switch order, which switch order releases said point-to-point connection and provides parameter for said point-to-multipoint channel to said mobile station”

In claim 23 lines 1-2 replace “The apparatus according to claim 10, wherein said apparatus is a mobile station or is comprises in a mobile station” with “The apparatus according to claim 10, wherein said apparatus is a mobile station”

In claim 25 lines 1-4 replace “The apparatus according to claim 19, wherein said apparatus is a sub-network of a mobile communication network or comprises in a subnetwork of a mobile communication network” with “The apparatus according to claim 19, wherein said apparatus is in a sub-network of a mobile communication network”

In claim 27 line 4 replace “multipoint channel via which said apparatus receives multicast data from a mobile communication network” with “multipoint channel via which said means for receiving receives multicast data from a mobile communication network”

In claim 32 line 2 replace “apparatus receives multicast data for at least two multicast service via” with “receiver receives multicast data for at least two multicast service via”

In claim 34 line 2 replace “performing at a mobile station link quality related measurements on a” with “performing by a mobile station link quality related measurements on a” .

#### ***Allowable Subject Matter***

2. Claims 1-10, 13, 16-23, 25, 27, & 29-36 are allowed. The following is an Examiner's statement of reasons for allowance:

Claims 1-10, 13, 16-23, 25, 27, & 29-36 are considered allowable since no prior art references or combination of prior art references in combination disclose or suggest the combination of limitations specified in the independent claims including:

“sending from said mobile station a request to said mobile communication network to switch and thereafter continue transmitting said multicast data via a point-to-point channel so that transmission of said multicast data is continuous through the switch, in case said determined link quality lies below a given link quality” in combination with other claim limitations as specified in claim 1.

“a transmitter configured to transmit a request to said mobile communication network to switch and thereafter continue transmitting said multicast data via a point-to-point channel so that the transmission of said multicast data is continuous through the switch, in case said processing portion detects that a determined link quality of a point-to-multipoint channel employed for transmitting multicast data lies below a given link quality” in combination with other claim limitations as specified in claim 10.

“sending a request to said mobile communication network to switch and thereafter continue transmitting said multicast data via a point-to-point channel so that transmission of said multicast

data is continuous through the switch, in case said determined link quality lies below a give link quality.” in combination with other claim limitations as specified in claim 13.

“in case said estimated link quality of said point-to-multipoint channel reaches a required link quality, said mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data” in combination with other claim limitations as specified in claim 16.

“wherein said mobile communication network orders said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data by a switch order, which switch order releases said point-to-point connection and provides parameters for said point-to-multipoint channel to said mobile station” in combination with other claim limitation as specified in claims 17 & 22.

“wherein said switch order release said point-to-point connection and provides parameters to said point-to-multipoint channel to said mobile station” in combination with other claim limitations as specified in claims 19 & 20.

“means for transmitting a request to said mobile communication network to switch and thereafter continue transmitting said multicast data via a point-to-point to said means for receiving so that the transmission of said multicast data is continuous through the switch, in case said means for determining detects that a determined link quality of a point-to-multipoint channel employed for transmitting multicast data lies below a given link quality” in combination with other claim limitations as specified in claim 27.

“means for estimating a link quality of a point-to-multipoint channel while said means for transmitting transmits multicast data to a mobile station on a point-to-point channel for transmitting multicast data to said mobile station and for ordering said mobile station to switch form said point-to-point channel to said point-to-multipoint channel for thereafter receiving multicast data by a switch order, in case said estimated link quality lies above a required link quality; wherein said switch order releases said point-to-point connection and provides parameter for said point-to-multipoint channel to said mobile station “ in combination with other claim limitations as specified in claim 29.

“receiving by a mobile station an order from said mobile communication network to switch from said point-to-point channel so said point-to-multipoint channel for receiving said multicast data, in case said mobile communication network determined that said estimated link quality of said point-to-multipoint channel reaches a required link quality, and switching by said mobile station from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data upon receipt of said order” in combination with other claim limitations as specified in claim 34.

“a second processing component configured to order said mobile station to switch form said point-to-point to said point-to-multipoint channel for receiving said multicast data in case said

estimated link quality of said point-to-multipoint channel reaches a required link quality" in combination with other claim limitation as specified in claim 35.

"a switching component configured to receive an order from said mobile communication network to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data in case said mobile communication network determined that said estimated link quality of said point-to-multipoint channel reaches a required link quality, and to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data upon receipt of said order" in combination with other limitations as specified in claim 36.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/  
Primary Examiner, Art Unit 2475

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